

Staff Report



Zoning and Land Regulation Committee

Public Hearing: **May 24, 2022**

Zoning Amendment Requested:

TO CUP: Limited Family Business - Welding business

Size: **9.3 Acres**

Survey Required.

Reason for the request:

Limited Family Business - Welding business

CUP 02561

Town/Section:

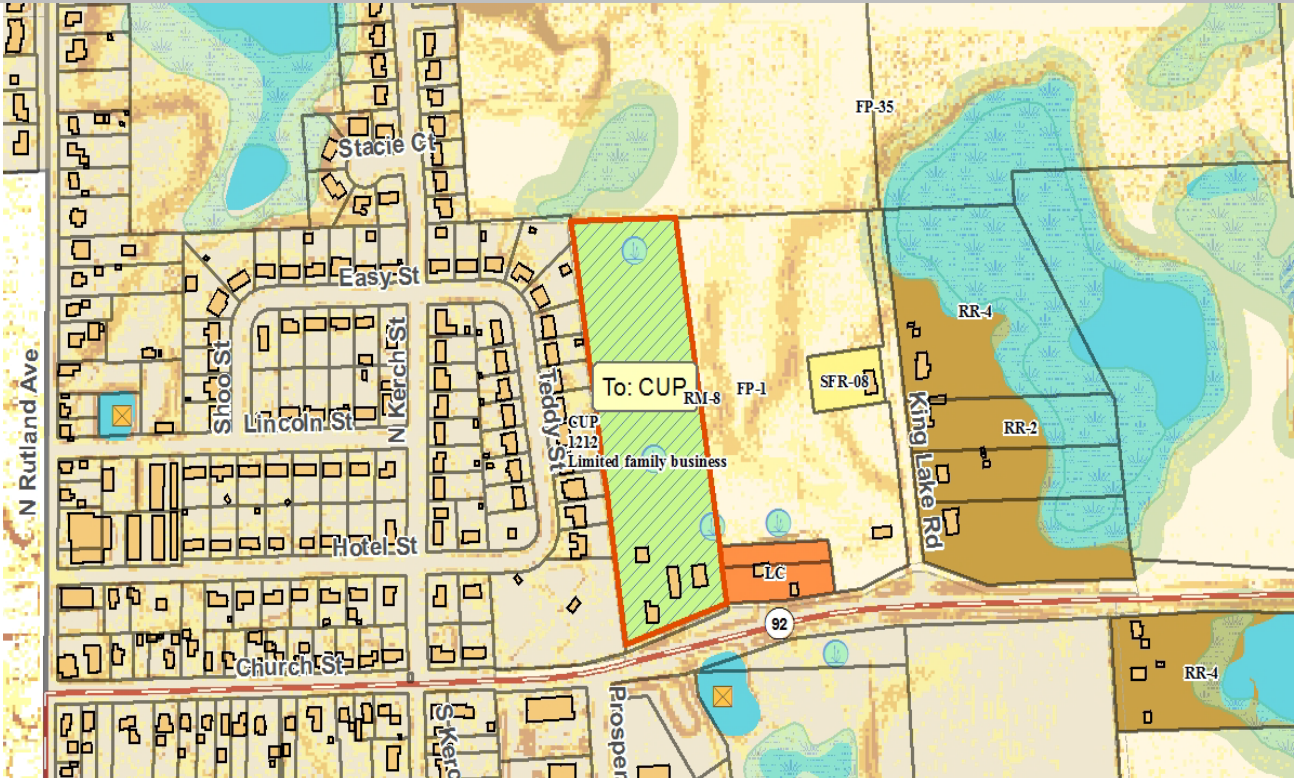
RUTLAND, Section 31

Applicant

BRADD R DRAHEIM

Address:

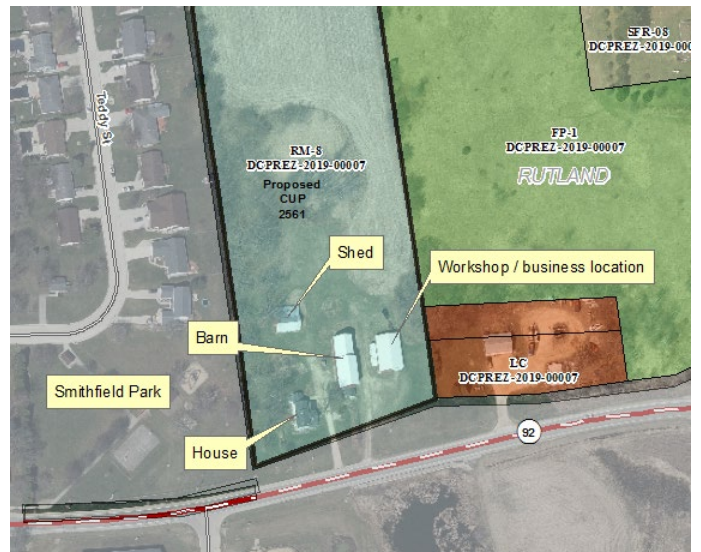
4658 STATE HWY 92



DESCRIPTION: Applicant requests approval of a Conditional Use Permit for a Limited Family Business to allow operation of a small scale welding business out an existing workshop on the ~9 acre RM-8 zoned property located at 4658 State Highway 92. Proposed hours of operation would be 3PM-7PM weekdays, and 10AM-6PM weekends. There would be no employees except the owner/operator who resides on the premises. Occasional client visits to the property to drop off or pick up equipment are anticipated. Applicant states that his intent is to primarily to provide welding services to area farmers in need of equipment repair.

OBSERVATIONS/ FACTUAL INFORMATION: Current land use is rural residential. There are 3 accessory structures on the property – a barn, storage shed, and a workshop where the business would be located. The property abuts the village of Brooklyn to the west. Neighboring land uses are residential and parkland to the west (Smithfield Subdivision), and agriculture / open space to the east and south. The workshop building is located approximately 400' from the closest residence in the Smithfield subdivision. A previous Limited Family Business (furniture and antiques sales) was operated from property under CUP 1212 by a prior owner.

TOWN PLAN: The property is located in the town's "medium density" residential area. The planning area is subject to the



town's agricultural preservation area policies, and designated as a possible receiving area for a future Transfer of Development Rights program.

RESOURCE PROTECTION: No resource protection areas located on the property.

STAFF: Applicant currently owns/operates "Bradd's Welding on Wheels", a mobile business providing off-site welding services to customers. The proposed Conditional Use Permit would facilitate providing welding services for clients on site. Applicant intends to market welding services to area farmers and indicates that all work would be performed in the workshop building. Clients' larger farm equipment awaiting service may need to be stored at the rear of the workshop.

With no early morning hours proposed, work being performed indoors, and the ~400'+ distance from the workshop to neighboring residential uses to the west, nuisance complaints related to noise are not anticipated. The proposal appears reasonably consistent with town plan policies which support small scale home-based businesses providing services to area residents.

Pending any concerns raised by the town during the course of its review, or at the ZLR Committee public hearing, staff recommends approval of the petition subject to the following conditions:

1. This conditional use permit is for a Limited Family Business (welding business). Hours of operation are limited to 8:00AM-7:00PM, Monday – Friday and 10AM-6PM Saturday and Sunday.
2. Any conditions required for specific uses listed under s. [10.103](#).
 - a. The use shall employ no more than one or one full-time equivalent, employee who is not a member of the family residing on the premises.
 - b. The use shall be limited to the accessory building as depicted on the site and operations plans. Any outdoor storage of equipment awaiting service shall be located at the rear of the workshop as depicted on the site plan.
 - c. Sanitary fixtures to serve the limited family business use may be installed, but must be removed upon expiration of the conditional use permit or abandonment of the limited family business.
 - d. The conditional use permit shall automatically expire on sale of the property or the business to an unrelated third party.
3. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
4. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
5. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
6. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
8. Two off-street parking spaces must be provided, consistent with s. [10.102\(8\)](#).
9. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such

improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.

10. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
11. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
12. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
13. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.
14. No outdoor lighting.

STAFF UPDATE: The petition was postponed at the May 24th ZLR public hearing due to no town action. The town has approved the petition with conditions recommended by staff, as well as a condition prohibiting outdoor lighting. The conditions listed above have been updated to include the town's additional condition. Staff recommends approval with the conditions listed above.

Any questions about this petition or staff report please contact Majid Allan at (608) 267-2536 or allan@countyofdane.com

TOWN: Approved with conditions.